

Remarks

Claims 1-16 are currently pending in the Application.

Allowable Claims

Applicants acknowledge with gratitude the Examiner's indication of allowability as to Claims 8 and 16.

Claim Amendments

This response amends Claims 1-16 to clarify the language of the claims and cancels Claim 8 without prejudice. No new matter has been added.

New Claims

This response adds new Claim 17 to more completely claim the invention. No new matter has been added.

Specification Objections

The Examiner objects to the specification for reciting a term "intented" instead of "indented." Applicants submit that, as shown above, the specification has been amended to recite "indented" as requested by the Examiner. Applicants respectfully request that the objection be withdrawn.

The Examiner also objects to Claim 1 due to the following informalities. The Examiner appears to limit that the "absorbing article" as recited in Claim 1 to a "sanitary napkin 100." See page 2, section 3 of the Office Action. Applicants strongly object to such a narrow interpretation of the claims.

According to MPEP §904.01, the claims are to be given the broadest reasonable interpretation consistent with the specification. Applicants submit by way of an example and not of limitation that the specification specifically states that the "invention should not necessarily be limited to this sanitary napkin 100 but can be applied generally to

“other body fluid absorbing articles” (emphasis added). See page 10, line 24 to page 11, line 3 of the specification.

The Examiner further appears to be limiting the “body fluid impermeable back member” as recited in Claim 1 to a “liquid impermeable back sheet 101.” See page 2, section 3 of the Office Action. The Examiner also appears to be limiting the “body fluid permeable surface member” as recited in Claim 1 to a “liquid permeable top sheet 102.” See page 2, section 3 of the Office Action. Applicants strongly object to such a narrow interpretation of the claims and request that the claims be given the broadest reasonable interpretation consistent with the specification as required by MPEP §904.01.

The Examiner additionally objects to Claim 8 for reciting “two side portions of said lower layer are squeezed out” and “squeezed-out portion.” Applicants submit that Claim 8 has been canceled without prejudice and request that the objection be withdrawn.

Claim Interpretation

Applicants object to the Examiner’s narrow interpretation of the claims and request that the claims be given the broadest reasonable interpretation consistent with the specification as required by MPEP §904.01, as discussed above.

35 U.S.C. §112, second paragraph, rejection

Claim 7 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Examiner, it is allegedly not clear what is meant by the phrase the “absorbent is not provided, at the portion in said upper layer to contact with said lower layer and at the portion in said lower layer to contact with said upper layer” as recited in Claim 7. Although Applicants disagree with the Examiner’s assertion that Claim 7 is indefinite, in the interest of moving this application to issue, Applicants have amended Claim 7 to clarify the language of the claim and request that the rejection be withdrawn.

Rejections

Applicants acknowledge with gratitude the Examiner's indication of allowability as to Claims 8-9. Applicants traverse the Examiner's rejection of Claims 1-6, 10-12 and 13-16 and disagree that these claims are unpatentable in view of EP Patent No. 0613671A2 and U.S. Patent No. 4,435,178. However, in the interest of moving this application to issue, Applicants have amended Claim 1 to include the limitations of Claim 8 found patentable by the Examiner in the Office Action and cancelled Claim 8 without prejudice, expressly reserving the right to present this or any other claims in a future divisional or continuation application.

The Examiner is encouraged to contact the undersigned to discuss any other issues requiring resolution.

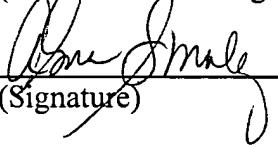
Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment Commissioner for Patents POB 1450, Alexandria, VA 22313-1450 on

October 31, 2005
(Date of Deposit)

Alma Smalling
(Name of Person Signing)

(Signature)

October 31, 2005
(Date)

Respectfully submitted,



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